

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HEALTH REPUBLIC INSURANCE
COMPANY,

Plaintiff,
on behalf of itself and all others
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

No. 1:16-cv-259C-KCD
(Judge Davis)

COMMON GROUND HEALTHCARE
COOPERATIVE,

Plaintiff,
on behalf of itself and all others
similarly situated,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

No. 1:17-cv-00877-KCD
(Judge Davis)

DECLARATION OF WILLIAM A. BURCK

I, William A. Burck, declare:

1. I am Global Co-Managing Partner of Quinn Emanuel Urquhart & Sullivan LLP, and was formerly Co-Managing Partner of Quinn Emanuel's Washington, D.C. office. I make this declaration of my own personal knowledge and, if called to testify, I could and would competently testify hereto under oath.

2. I have practiced law for over 20 years, the last 18 of which has been in Washington, D.C. After clerking for Judge Alex Kozinski on the Ninth Circuit and then Justice Kennedy on the Supreme Court, I spent two years as a federal prosecutor in the Southern District

of New York before returning to Washington, D.C. There, from 2005-2009, I joined the White House as Deputy Assistant and Deputy Staff Secretary to President George W. Bush, then the Department of Justice and finally returned to the White House as Special Counsel and Deputy Counsel to President Bush. I entered private practice as a partner in Weil, Gotshal & Manges LLP's Washington, D.C. office. In 2012, I joined Quinn Emanuel in its Washington, D.C. office as Co-Managing Partner of that office. In 2022, I became Global Co-Managing Partner of the firm and, in that role, today help lead the firm.

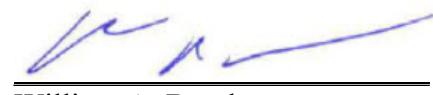
3. In my roles first as the Co-Managing Partner for Quinn Emanuel's Washington, D.C. office and now as Global Co-Managing Partner, one of my job responsibilities has been to set the hourly rates for the partners and associates who practice out of our D.C. office and more generally in Washington, D.C. I and my Co-Managing Partners do so by developing an understanding of the hourly rates our competitor firms charge, and setting our own hourly rates based on that understanding of the market. The vast majority of Quinn Emanuel's work is not on contingency, so setting these hourly rates in a way that is competitive in the D.C. market is incredibly important to our business there, as well as to our broader business throughout the country.

4. Quinn Emanuel's partner-level hourly rates are set primarily according the amount of time the partner has been in practice, which typically coincides with the year they graduated law school. Although the hourly rates can also, in certain circumstances, reflect certain types of expertise or specialization, that type of upward revision to the partner's hourly rate is the exception, not the rule. This approach places our partners into different "bands" of hourly rates, which are consistent across partners in that band and quoted to clients seeking hourly work. If the Court wishes us to do so, we can submit a copy of Quinn Emanuel's hourly rate sheets *in*

camera for the years at issue in this fee petition. We can also provide redacted copies of client bills demonstrating our hourly rates for D.C.-based attorneys and D.C.-based matters. Given the sensitive nature of such submissions, I have not attached them; however, we are happy to provide them so the Court may confirm for itself what I declare here.

5. I have reviewed the hourly rates listed in the lodestar calculations attached to Mr. Wolfson's Declaration and can confirm that these are the rates that Quinn Emanuel actually charged for these attorneys to paying clients in the same timeframes. I can also confirm those rates are comparable to the rates we charge for lawyers of equivalent experience and skill who are based out of and/or work in Washington, D.C. For example, Mr. Swedlow graduated law school in 1995 and practiced out of Chicago, and Mr. Horton graduated law school in 1997 and practiced out of Los Angeles. However, both were for years included in the same hourly rate "band" as numerous Washington, D.C.-based Quinn Emanuel lawyers who graduated law school between 1995-2000. Similarly, Mr. Wolfson graduated law school in 2005 and practices out of the West Coast, but is in the same hourly rate "band" as multiple different Washington, D.C.-based partners who graduated law school between 2005-2008.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 2, 2023, at Washington D.C.



William A. Burck